

SENATE, No. 293

STATE OF NEW JERSEY

220th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2022 SESSION

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Establishes grant program in DEP to provide financial assistance to municipalities for infrastructure and other physical upgrades to certain municipally owned sanitary landfill facilities closed before June 1987; appropriates \$10 million.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** establishing a grant program in Department of
2 Environmental Protection to finance upgrades to certain
3 municipally owned sanitary landfill facilities, supplementing
4 Title 13 of the Revised Statutes, and making an appropriation.

5
6 **BE IT ENACTED** *by the Senate and General Assembly of the State*
7 *of New Jersey:*

8
9 1. As used in this act:

10 “Commissioner” means the Commissioner of Environmental
11 Protection.

12 “Department” means the Department of Environmental
13 Protection.

14 “Grant program” or “program” means the “Municipal Landfill
15 Upgrading and Infrastructure Improvement Grant Program,”
16 established pursuant to section 2 of this act.

17 “Improperly closed sanitary landfill facility” or “improperly
18 closed” means a sanitary landfill facility, or a portion of a sanitary
19 landfill facility, at which operations were terminated prior to June
20 1, 1987 and for which performance is not complete with respect to
21 all activities associated with the design, installation, purchase, or
22 construction of structures or equipment, or with respect to the
23 implementation of other appropriate measures, as may be required
24 by the department, pursuant to law, for proper facility closure,
25 including, but not limited to, activities involving the placement or
26 installation of earthen or vegetative cover, methane gas vents,
27 methane gas monitors, air pollution control devices, and leachate
28 monitoring wells or collection systems.

29 “Municipal landfill upgrading and infrastructure costs” or
30 “costs” means the financial costs incurred by a municipality in
31 association with its implementation and ongoing maintenance and
32 management of infrastructure improvements and other physical
33 upgrades to a municipally owned and improperly closed sanitary
34 landfill facility.

35 “Sanitary landfill facility” means the same as that term is defined
36 in section 3 of P.L.1970, c.39 (C.13:1E-3).

37
38 2. a. The “Municipal Landfill Upgrading and Infrastructure
39 Improvement Grant Program” is established in the Department of
40 Environmental Protection to provide financial assistance to pay
41 municipal landfill upgrading and infrastructure costs incurred by a
42 municipality, which costs are necessary to ensure that the
43 municipality:

44 (1) comports with the department’s standards and regulations
45 concerning the proper closure, capping, and post-closure care of
46 sanitary landfill facilities; and

- 1 (2) has the capacity to effectively prevent, minimize, eliminate,
2 or monitor pollution and other health hazards resulting from a
3 municipally owned and improperly closed sanitary landfill facility.
- 4 b. Any municipality that owns an improperly closed sanitary
5 landfill facility shall be eligible to apply for a grant under the
6 program.
- 7 c. An eligible municipality seeking to obtain a program grant
8 shall submit an application therefor, in a form and manner
9 prescribed by the commissioner. The grant application shall
10 include the following information:
- 11 (1) a certification stating that the sanitary landfill facility, which
12 is the subject of the grant application, is owned by the municipality
13 and was improperly closed prior to June 1, 1987;
- 14 (2) a statement indicating the total amount of funding that is
15 being sought under the grant program;
- 16 (3) a list of other financial resources, including federal financial
17 assistance, that may be available to finance the municipal landfill
18 upgrading and infrastructure costs;
- 19 (4) a description of the specific project or projects for which
20 grant funding is being sought, including: the type of infrastructure
21 improvement or other physical upgrade being proposed; the reason
22 why such infrastructure improvement or other physical upgrade is
23 necessary; the environmental and health-related impacts that are
24 expected to result from the improvement or upgrade; the total
25 anticipated costs of the project, including the total anticipated
26 expenses associated with the municipality's ongoing maintenance
27 and management of completed project components; the permits and
28 approvals that will required for project commencement; and the
29 anticipated dates on which the project will be commenced and
30 completed; and
- 31 (5) any other information required by the commissioner.
- 32 d. A grant awarded under the program shall be used only to
33 finance those municipal landfill upgrading and infrastructure costs
34 that are directly incurred and paid by the municipality. In any case
35 where a federal agency is financing a portion of the municipal
36 landfill upgrading and infrastructure costs, the total costs used to
37 determine the amount of the grant to be awarded under the program
38 shall be reduced by the amount of the federal contribution.
- 39 e. Within 180 days after the effective date of this act, the
40 commissioner shall develop a project priority system, which shall
41 identify the ranking criteria and funding policies that will be used
42 by the department to prioritize projects for grant awards under the
43 program. At a minimum, the project priority system shall provide
44 for the prioritization of those projects that will have the most
45 significant impacts with respect to enabling the ongoing municipal
46 prevention, reduction, elimination, or monitoring of pollution and
47 other health hazards resulting from an improperly closed sanitary
48 landfill facility.

1 f. Each municipality receiving a grant award under the
2 program shall submit to the department, on an annual or more
3 frequent basis, as required by the commissioner, a grant fund
4 expenditures report that describes how the awarded grant funds are
5 being used by the municipality. Each report shall be submitted in a
6 form and manner prescribed by the commissioner.

7 g. The commissioner shall annually submit a written report to
8 the Governor, and, pursuant to section 2 of P.L.1991, c.164
9 (C.52:14-19.1), to the Legislature, on the implementation and
10 effectiveness of the grant program. The annual report shall, at a
11 minimum:

12 (1) identify the total number and dollar amount of grant awards
13 issued during the current reporting period, the total number and
14 dollar amount of grant awards issued, to date, since the program
15 was commenced, and the total number of funded projects that have
16 been completed;

17 (2) for those projects that received a grant during the current
18 reporting period, indicate the purpose for which each grant was
19 awarded, and describe the anticipated or actual environmental and
20 health-related impacts associated with the grant award;

21 (3) indicate the amount of appropriated funds that remain
22 available to finance future grant awards under the program; and

23 (4) evaluate whether, and the extent to which, the grant program
24 has been successful in facilitating municipal compliance with
25 department standards and regulations governing the proper closure,
26 capping, and post-closure care of sanitary landfill facilities, and
27 whether, and the extent to which, grant-funded projects have
28 succeeded in enabling the more effective municipal prevention,
29 minimization, elimination, or monitoring of pollution and other
30 health hazards resulting from these facilities.

31
32 3. a. The commissioner shall adopt rules and regulations,
33 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
34 (C.52:14B-1 et seq.), as may be necessary to implement the
35 provisions of this act.

36 b. The rules and regulations shall identify, at a minimum:

37 (1) the procedures to be used by municipalities when submitting
38 grant applications;

39 (2) the standards to be used by the department when evaluating
40 grant applications and when awarding program grants in accordance
41 with the priority system developed pursuant to subsection e. of
42 section 2 of this act;

43 (3) any limitations, restrictions, or other requirements
44 concerning the use of grant funds awarded under the program; and

45 (4) the requisite content of the grant fund expenditures reports
46 that are to be submitted by grant recipients, pursuant to subsection
47 f. of section 2 of this act, and the requisite timeframes for
48 submission of the reports.

1 4. There is appropriated, from the General Fund to the
2 Department of Environmental Protection, the sum of \$10,000,000
3 for the purposes of financing grants to municipalities, as provided
4 by this act.

5
6 5. This act shall take effect immediately.

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9 STATEMENT

10
11 This bill would establish, in the Department of Environmental
12 Protection (DEP), a “Municipal Landfill Upgrading and
13 Infrastructure Improvement Grant Program.” The program would
14 provide financial assistance to pay municipal landfill upgrading and
15 infrastructure costs – i.e., those financial costs that are incurred by a
16 municipality in association with its implementation and ongoing
17 maintenance and management of infrastructure improvements and
18 other physical upgrades to a municipally owned and improperly
19 closed sanitary landfill facility – which costs are necessary to
20 ensure that the municipality: (1) comports with the DEP’s
21 standards and regulations concerning the proper closure, capping,
22 and post-closure care of sanitary landfill facilities, which were
23 initially adopted on June 1, 1987; and (2) has the capacity to
24 effectively prevent, minimize, eliminate, or monitor pollution and
25 other health hazards resulting from the improperly closed sanitary
26 landfill facility.

27 A municipality that owns an improperly closed sanitary landfill
28 facility would be eligible to apply for a grant under the program.
29 The bill defines an “improperly closed sanitary landfill facility” to
30 mean a sanitary landfill facility, or a portion of a sanitary landfill
31 facility, at which operations were terminated prior to June 1, 1987
32 and for which performance is not complete with respect to all
33 activities associated with the design, installation, purchase, or
34 construction of structures or equipment, or with respect to the
35 implementation of other appropriate measures, as may be required
36 by the DEP, pursuant to law, for proper facility closure, including,
37 but not limited to, activities involving the placement or installation
38 of earthen or vegetative cover, methane gas vents, methane gas
39 monitors, air pollution control devices, and leachate monitoring
40 wells or collection systems.

41 In addition to any other information that may be required by the
42 DEP commissioner, an application for a program grant submitted by
43 an eligible municipality under the bill would need to include: (1) a
44 certification stating that the sanitary landfill facility, which is the
45 subject of the grant application, is owned by the municipality and
46 was improperly closed prior to June 1, 1987; (2) a statement
47 indicating the total amount of grant funding that is being sought
48 pursuant to the bill; (3) a list of any other financial resources,

1 including federal financial assistance, that may be available to
2 finance the municipal landfill upgrading and infrastructure costs;
3 and (4) a description of the specific project or projects for which
4 grant funding is being sought. The project description is to
5 identify: the type of infrastructure improvement or other physical
6 upgrade being proposed; the reason why the infrastructure
7 improvement or other physical upgrade is necessary; the
8 environmental impacts that are expected to result from the
9 improvement or upgrade; the total anticipated costs of the project,
10 including the total anticipated expenses associated with the
11 municipality's ongoing maintenance and management of completed
12 project components; the permits and approvals that will be required
13 for project commencement; and the anticipated dates on which the
14 project will be commenced and completed.

15 A grant awarded under the program may be used to finance only
16 those municipal landfill upgrading and infrastructure costs that are
17 directly incurred by a municipality. In any case where a federal
18 agency is financing a portion of the municipal landfill upgrading
19 and infrastructure costs, the total costs used in determining the
20 amount of the grant to be awarded under the grant program would
21 be reduced by the amount of the federal contribution.

22 The bill requires the DEP commissioner, within 180 days after
23 the bill's effective date, to develop a project priority system that
24 identifies the ranking criteria and funding policies to be used by the
25 DEP when prioritizing projects for grant awards under the program.
26 At a minimum, the project priority system is to provide for the
27 prioritization of those projects that will have the most significant
28 impacts with respect to enabling the ongoing municipal prevention,
29 reduction, elimination, or monitoring of pollution and other health
30 hazards resulting from an improperly closed sanitary landfill
31 facility.

32 Each municipality receiving a grant award under the program
33 would be required to regularly submit to the DEP, a grant fund
34 expenditures report that describes how the awarded grant funds are
35 being used by the municipality. The commissioner would be
36 required to adopt rules and regulations that, among other things,
37 specify the requisite content of these expenditure reports. The bill
38 also requires the DEP commissioner to annually submit, to the
39 Governor and the Legislature, a written report on the
40 implementation and effectiveness of the grant program, which is to
41 include, among other things, an accounting of the appropriated
42 funds that remain available for future project grants.

43 The bill would appropriate \$10 million from the General Fund to
44 the DEP for the purposes of financing grants under the program.